

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

BRADY DEAN RAUH,

Plaintiff,

vs.

MARK JOHNSON. JAMIE
TREGARD, and BUTTE SILVER
BOW COUNTY DETENTION
CENTER,

Defendants.

CV 21-80-BU-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on January 5, 2022. (Doc. 8.) Judge Johnston recommended that this matter should be DISMISSED for failure to state a cognizable federal claim; that Plaintiff's filing of this action counts as one strike against him pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); that the Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure; and that the Clerk of Court should be directed to have the

docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. (*Id.* at 4.)

No party has filed an objection to the Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 8) are **ADOPTED IN FULL**.

1. This matter is **DISMISSED** for failure to state a cognizable federal claim.
2. Plaintiff's filing of this action counts as one strike against him pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
4. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 31st day of January, 2022.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court